

## University of Groningen

### Explaining Legal Transplants

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# Statements

1. Transplantation of legal rules might be more difficult than it seems, especially, when one has to deal with *the changing transplant* or *the missing transplant*.
2. What is European is not always popular, as indicated by the preference of prospective EU member-states for the American regulatory models, rather than the European ones.
3. The approximation requirement and the membership goal alone, traditionally indicated as the main incentives, are not sufficient conditions for triggering the approximation of national legislation with the *Acquis Communautaire* in the candidate countries.
4. A vaguely formulated approximation requirement promotes no action, but endless discussions, as was shown in the case studies on Poland and Lithuania.
5. Only ambition is not sufficient to reach the goal, as was revealed in the case study on transplantation to Lithuania, when a negative Commission's *Avis* opened the government's eyes to the importance of domestic preparations in the integration process.
6. Governmental engagement does not necessarily lead to a more effective coordination of approximation, as was shown in the case study on transplantation to Lithuania, when the start of approximation was delayed due to intra-governmental conflicts and political reshufflings.
7. Governmental engagement may become an obstacle in approximation of laws, as was shown in the case studies on transplantation and enforcement of competition policy regulations in Lithuania and Poland.
8. Time pressure during the accession is likely to result in making compromises with the quality in the approximation of national legislation, as can be inferred from the case study on Lithuania.
9. Building of *Potemkin Villages* is still popular 200 years after their invention, as was revealed in several cases, in which legal harmonisation was merely the means to enter the European Union.
10. Irrationality does not have a geographical location, as was revealed in the case studies, when certain antitrust and state aid control arrangements were developed in order to be dismantled immediately after the accession.
11. In legal transplantation structural proximity is far less important than institutional and ideational conditions, as can be inferred from the analysis of case studies.
12. An academic debate, as the one on legal transplants, can be very confusing, but one thing is now clear: legal transplants do not die during the transplantation, as claimed by Legrand, but are not out of context either, as argued by Watson.